

FINAL

**VIRGINIA BOARD OF MEDICINE
FORMAL HEARING MINUTES**

Thursday, June 10, 2010	Department of Health Professions Perimeter Center 9960 Mayland Drive, Suite #300	Henrico, Virginia
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CALL TO ORDER: A panel of the Board was called to order at 1:30 p.m.

MEMBERS PRESENT: Valerie L. Hoffman, D.C., Chair
Sandra A. Bell, M.D.
Malcolm Cothran, M.D.
Gopinath Jadhav, M.D.
Stuart Mackler, M.D.
Jane Piness, M.D.
Ellen Shapiro, D.P.M.

BOARD COUNSEL: Ishneila Moore, AAG

STAFF PRESENT: William L. Harp, M.D., Executive Director of the Board
Renée S. Dixon, Discipline Case Manager

COURT REPORTER: Beth Aliff, Farnsworth & Taylor Reporting

**PARTIES ON BEHALF OF
COMMONWEALTH:** Corie E. Tillman-Wolf, Assistant Attorney General
Tracy Robinson, Adjudication Specialist

**COMMONWEALTH
WITNESSES:** Anthony Sellers, Sr. Investigator, DHP
J. W. Turner, Sr. Investigator, DHP

MATTER SCHEDULED: Robert J. McLean, M.D. License No.: 0101-053096
Case No.: 121382, 121393

DISCUSSION: Dr. McLean appeared before the Board in person in accordance with the Board's Notice of Formal Hearing dated April 28, 2010. He was represented by Kenneth T. Roeber, Esquire.

The Board received evidence and sworn testimony from witnesses called by the Commonwealth and Dr. McLean regarding the matters as set forth in the Statement of Particulars.

CLOSED SESSION:

Upon a motion by Dr. Mackler, and duly seconded by Dr. Bell, the Board voted to convene a closed meeting pursuant to §2.2-3711.A(27) of the Code of Virginia, for the purpose of deliberation to reach a decision in the matter of Dr. McLean. Additionally, he moved that Ms. Moore, Dr. Harp, and Ms. Dixon attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Board in its deliberations.

RECONVENE:

Having certified that the matters discussed in the preceding closed session met the requirements of §2.2-3712 of the Code, the Board re-convened in open session and announced its decision.

DECISION:

Upon a motion by Dr. Mackler, and duly seconded by Dr. Bell, the Board made certain Findings of Fact and Conclusions of Law and voted to impose a monetary penalty, issue a reprimand and subject Dr. McLean's license to certain terms and conditions.

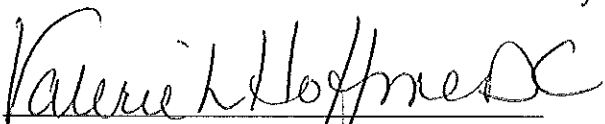
VOTE:

The vote was unanimous.

ADJOURNMENT:

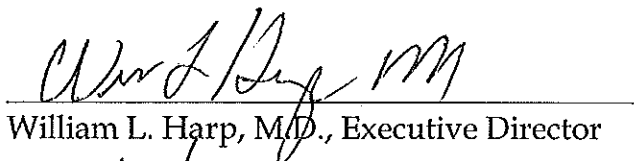
The Board adjourned the hearing at 6:22 p.m.

The decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decisions of this formal hearing panel.



Valerie L. Hoffman, D.C., Chair

6/21/10
Date



William L. Harp, M.D., Executive Director

6/25/10
Date

FINAL

VIRGINIA BOARD OF MEDICINE FORMAL HEARING MINUTES

Thursday, June 10, 2010	Department of Health Professions Perimeter Center 9960 Mayland Drive, Suite #300	Henrico, Virginia
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CALL TO ORDER:	A panel of the Board was called to order at 1:39 p.m.	
MEMBERS PRESENT:	Stephen E. Heretick, J.D., Chair Deenie Bassam, M.D. Jennifer Lee, M.D. Karen Ransone, M.d. Wayne Reynolds, D.O. General Clara Adams-Ender, R.N.	
BOARD COUNSEL:	Amy Marschean, Sr. AAG	
STAFF PRESENT:	Jennifer L. Deschenes, Deputy Executive Director, Discipline Jennie Woods, CCA Case Manager	
COURT REPORTER:	Wanda J. Blanks, Farnsworth & Taylor Reporting	
PARTIES ON BEHALF OF COMMONWEALTH:	Wayne Halbleib, Sr. Assistant Attorney General Shevaun Roukous, Adjudication Specialist	
COMMONWEALTH WITNESSES:	Andria P. Christian, Sr. Investigator, DHP	
RESPONDENT'S WITNESSES:	Naseer Mobashar, M.D.	
PRELIMINARY MATTERS:	Mr. Goodman proffer the curriculum vitae for Dr. Mobashar as a respondent's exhibit.	
RULING:	Hearing no objections from Mr. Halbleib on behalf of the Commonwealth, the exhibit was admitted into evidence and marked as Respondent's Exhibit A.	
MATTER SCHEDULED:	Kaveh Ofogh, M.D. Case No.: 125566	License No.: 0101-052243

DISCUSSION:

Dr. Ofogh appeared before the Board in person in accordance with the Board's Notice of Formal Hearing dated April 29, 2010. He was represented by Michael Goodman and Kristi Vanderlaan, Esquires.

The Board received opening comments from the parties and presentation of the formal hearing exhibits on behalf of the Commonwealth from Mr. Halbleib. Since there were no objections noted by Dr. Ofogh by the deadlines stipulated in the Notice, the exhibits were marked and admitted into evidence.

Mr. Halbleib presented the Commonwealth's case and called his witness. The Commonwealth rested at the conclusion of the testimony from Ms. Christian.

At the conclusion of the Commonwealth's case, Mr. Goodman made a motion that the matter be dismissed since the Commonwealth had failed to meet its burden. Oral argument was received from the parties regarding the motion to dismiss.

CLOSED SESSION:

Upon a motion by Dr. Ransone, and duly seconded by General Adams-Ender, the Board voted to convene a closed meeting pursuant to §2.2-3711.A(27) of the Code of Virginia, for the purpose of deliberation to reach a decision in the matter of Dr. Ofogh. Additionally, she moved that Ms. Marschean, Ms. Deschenes, and Ms. Wood attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Board in its deliberations.

RECONVENE:

Having certified that the matters discussed in the preceding closed session met the requirements of §2.2-3712 of the Code, the Board re-convened in open session and announced its decision.

DECISION:

The Board unanimously voted to deny Mr. Goodman's motion to dismiss and the formal hearing continued.

Mr. Goodman began his case presentation and called his witnesses and Dr. Ofogh to testify. At the conclusion of Dr. Ofogh's testimony, Mr. Goodman rested.

CLOSED SESSION:

Upon a motion by Dr. Ransone, and duly seconded by Dr. Reynolds, the Board voted to convene a closed meeting pursuant to §2.2-3711.A(27) of the Code of Virginia, for the purpose of deliberation to reach a decision in the matter of Dr. Ofogh. Additionally, she moved that Ms. Marschean, Ms. Deschenes, and Ms. Wood attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Board in its deliberations.

RECONVENE:

Having certified that the matters discussed in the preceding closed session met the requirements of §2.2-3712 of the Code, the Board re-convened in open session and announced its decision.

DECISION:

Upon a motion by Dr. Reynolds, and duly seconded by Dr. Lee, the Board voted to dismiss the matter.

VOTE:

The vote was unanimous.

ADJOURNMENT:

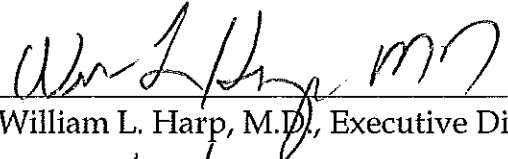
The Board adjourned the hearing at 5:50 p.m.



Stephen E. Heretick, J.D., Chair

6/24/10

Date



William L. Harp, M.D., Executive Director

6/25/10

Date